IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.22044 of 2004

Dated: 03-10-2007

Between:

P. Mahender Reddy, s/o late Malla Reddy.

... Petitioner

and

1. Baswapoor Gram Panchayat,
   Baswapoor village,
   Pulkal Mandal,
   Medak District,
   rep. by its Sarpanch and another.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the notice dated 09-11-2004 issued by the respondents as illegal and arbitrary and consequently set aside the same.

2. Petitioner states that he is the absolute owner and possessor of the property admeasuring 400 square yards adjacent to Upper Primary School, Baswapoor village, Pulkal Mandal, Medak District and he has been paying taxes to the Gram Panchayat. He further states that since times immemorial his family has been using the said

property for keeping the hay stock and cattle and there was no interference or objection by any persons including the respondents about his title to the said property.

Be that as it may, the respondents issued the impugned notice dated 09-11-2004 directing him to remove his articles and belongings lying in the said property, failing which action would be taken as per the provisions of the Gram Panchayat Act, 1964. Assailing the said notice, the present writ petition has been filed.

3. Heard learned counsel for the parties.

4. Having heard both the learned counsel this Court is of the view that the impugned notice issued by the Gram Panchayat, Basavapoor can definitely be said to be contrary to the provisions of the Amended Act.

The notice impugned has been issued under the provisions of the Gram Panchayat Act, 1964, but the said Act was repealed by virtue of coming into force of the Panchayat Raj Act, 1994. Hence, this Court has no hesitation to come to the conclusion that the notice impugned is contrary to the provisions of the Panchayat Raj Act, 1994.

5. Accordingly, the writ petition is allowed and notice impugned dated 09-11-2004 is set aside. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.03-10-2007
GLV